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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,101	05/15/2001	Gregory D. Gudorf	SONY / 88	1769
26875	7590	09/02/2004	EXAMINER	
WOOD, HERRON & EVANS, LLP 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202			VU, THONG H	
			ART UNIT	PAPER NUMBER
			2142	
DATE MAILED: 09/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/858,101

Applicant(s)

GUDORF ET AL.

Examiner

Thong H Vu

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 May 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/20/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. Claims 1-10 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10 are rejected under 35 U.S.C. § 102(e) as being anticipated by Burge et al [Burge 6,014,638].
3. As per claim 1, Burge discloses a method of displaying on-line content [Burge, on line service provider, col 4 lines 17-30], the method comprising:

monitoring subjective preferences of a user interacting on-line in a plurality of objectively distinguishable computing environments [Burge, the system monitors and records a user choices and preferences, abstract, col 3 lines 45-55];

personalizing a plurality of usage profiles to reflect the monitored subjective preferences for the user corresponding to each of the computing environments [Burge, create a profile for the shopper, customized to conform to the shopper's preferences as indicated in the shopper's profile, col 5 line 50-col 6 line 25];

presenting on-line content personalized in accordance with one of the usage profiles in response to the user interacting in an identified one of the computing

environments [Burge, display with options, the shopping environment, col 6 lines 26-49; user's past on-line behavior, col 10 lines 52-67].

4. As per claim 2, Burge discloses determining a unique computing environment by identifying at least one characteristic selected from the group consisting of time of day, day of the week, date, computing location, and computing platform [Burge, select display characteristics and elements, col 5 line 50-col 6 line 25].

5. As per claim 3, Burge discloses creating a new usage profile in response to identifying a unique computing environment monitored subjective preferences [Burge, preferences and unique, col 7 lines 19-37; col 9 lines 25-53; col 10 lines 14-51].

6. As per claim 4, Burge discloses creating a new usage profile for the user in response to a comparison of subjective preferences of the user in a one computing environment with subjective preferences of the user in another computing environment [Burge, creat a profile for the shopper, col 5 lines 50-67].

7. As per claim 5, Burge discloses detecting a user physiological response to on-line content [Burge, user's past on-line behavior, col 10 lines 52-67].

8. As per claim 6, Burge discloses detecting the user physiological response to on-line content further comprises detecting eye movement of the user as inherent feature of user interest [Burge col 8 lines 3-20].

9. As per claim 7, Burge discloses detecting the user physiological response to on-line content further comprises detecting a galvanic skin response as inherent feature of user's behavior.

10. Claims 8,9 contain the similar limitations set forth of apparatus claim 1.
Therefore, claims 8,9 are rejected for the similar rationale set forth in claim 1.

11. As per claim 10, Burge discloses the signal bearing medium includes at least one of a recordable medium and a transmission medium.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643. The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (703) 305-9705.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

After Final (703) 746-7238

Official: (703) 746-7239

Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Thong Vu
Patent Examiner
Art Unit 2142

